

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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Raymond R. Mason, Sr.,  
Plaintiff

v.

Central Mass Transit Management/  
Worcester Regional Transit Authority;  
David Trabucco, in Their Individual and  
Official Capacity; Jonathan Church, in Their  
Individual and Official Capacity;  
Amalgamated Transit Union Local 22;  
Kenneth Kephart in Their Individual and  
Official Capacity,  
Defendants

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Civil Action No. 18-cv-40202-TSH

**MOTION TO DISMISS BY ATU LOCAL 22 AND KENNETH KEPHART**

Now comes Amalgamated Transit Union Local 22 and Kenneth Kephart and hereby move this Honorable Court to dismiss all claims against them pursuant to Fed. R. Civ. P. 12(b)(6).

The claims were filed far past the six-month statute of limitations that apply to hybrid duty of fair representation cases. Also, the individual claims against Mr. Kephart are not viable because there is no individual liability against union agents.

This Motion is supported by a Memorandum of Law.

Respectfully submitted,

ATU LOCAL 22, AND  
KENNETH KEPHART

By their attorney,

/s/ James A.W. Shaw  
James A.W. Shaw

Dated: December 14, 2018

BBO # 670993  
SEGAL ROITMAN, LLP  
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Boston, MA 02111  
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**CERTIFICATE OF CONSULTATION**

I hereby certify pursuant to L.R. 7.1(a)(2) that I unsuccessfully attempted to confer with the opposing party and therefore have attempted in good faith to resolve or narrow the issue.

/s/ James A.W. Shaw  
James A.W. Shaw

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2018, I served a true and accurate copy of this document upon the Plaintiff by First Class Mail, to:

Raymond R. Mason, Sr.  
5 Monticello Dr., West  
Worcester, MA 01603

/s/ James A.W. Shaw  
James A.W. Shaw